

GENERAL PROVISIONS AND SPECIFICATIONS

Regulating Occupancy of State Highway Right-of-Way



GENERAL PROVISIONS

1. This Permit shall be issued in the name of the owner of the facility, hereafter called "Permittee" and shall be binding upon the Permittee, its agents, contractors, successors and assigns. The Permittee shall cause its agents, contractors, successors and assigns to comply with all the terms and conditions of the Permit. The permit shall be maintained as a permanent record and remain in effect, subject to the conditions hereof, as long as the permittee's facilities authorized herein occupy the public right-of-way.

2. The work authorized by this permit is subject to all laws, rules and regulations, including but not limited to Act No. 247, Approved October 26, 1972; of the Commonwealth of Pennsylvania concerning environmental control measures related to pollution and the preservation of public natural resources. The work shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Commonwealth of Pennsylvania, Department of Transportation, designated herein as the Commonwealth. If at any time it shall be found by the Commonwealth that the work is not being done or not been properly performed, the Permittee and/or its contractor upon being notified in writing by the Commonwealth, shall immediately take the necessary steps, at its own expense, toward placing the work in condition to conform to said requirements or standards.

3. In the event of failure or neglect by said Permittee and/or its contractor or their employees to perform and comply with the conditions, restrictions, and provisions of this permit, the Commonwealth may revoke and annul this permit and order and direct said Permittee and/or its contractor to remove any or all structures or property belonging to said Permittee and/or its contractor from the legal limits of the highway right-of-way and to restore the highway right-of-way to its former condition.

4. If work is stopped on a project for any reason, and any ditch or trench, in the opinion of the Commonwealth, remains open for an unreasonable period, the Permittee and/or its contractor, if so directed, shall refill the ditch or trench and work shall not be resumed thereon until the Permittee and/or its contractor is prepared to proceed immediately with the work until its completion. In the event that the Permittee and/or its contractor fails to refill the ditch or trench or proceed until completion of the work upon notice from the Commonwealth to do so, the Commonwealth may perform the necessary and required work and shall be reimbursed for said costs within thirty (30) days after receipt of a statement setting forth sums expended therefor by the Commonwealth.

5. The Permittee shall pay all cost and expenses incident to or growing out of the project, including the prescribed fees for the same, the cost of making and maintaining the temporary restoration of the disturbed areas and making permanent restoration, and further shall reimburse the Commonwealth for any and all inspection costs which the Commonwealth may deem it necessary to incur, and the Permittee shall reimburse the Commonwealth for said costs within thirty (30) days after receipt of the statement setting forth sums expended therefor by the Commonwealth.

6. If the Permittee and/or its contractor, after making an opening in the highway to place or repair a facility or for any other purpose, fails to restore any portion of highway right-of-way to conform with specifications of the Commonwealth, the Commonwealth reserves the right to do the work and the Permittee shall reimburse the Commonwealth for said costs within thirty (30) days after receipt of a statement setting forth sums expended therefor by the Commonwealth.

7. The Permittee will submit to the Commonwealth's local District Engineer, Department of Transportation, certificate or certificates of insurance for public liability and property damage, in sufficient amounts satisfactory to said District Engineer to cover any loss, that may be incurred for or on account of any matter, cause or thing arising out of the construction, reconstruction, repair, relocation or installation of the permitted facilities.

8. The permission herein granted does not confer upon the Permittee and/or its contractors the right to cut, remove or destroy trees or shrubbery within the legal limits of the highway except under such conditions, restrictions and regulations as the Commonwealth may prescribe.

9. If at any time the structure or facility shall become a hazard from any cause whatsoever the Permittee and/or its contractor shall have the same removed or repaired within 48 hours after receipt of written notification from the Commonwealth, except at times of extraordinary happenings when extension of such time limit may be given by the Commonwealth.

10. After each and every excavation made by the Permittee and/or its contractor in any road or highway right-of-way covered by this permit incident to the erection, repair, resetting or removal of any poles, manholes, conduits, water, steam, oil, gas pipes, sewers or any other obstructions or construction, said Permittee and/or its contractor shall, under the supervision and direction of the Commonwealth, restore the road to a condition conforming to requirements and/or specifications of the Commonwealth. So long as said Permittee and/or its contractor operates and leaves in place such structures and appliances, in, upon or along said highway right-of-way, the Permittee and/or its contractor shall maintain and keep in good order and repair the said structures and appliances. The Permittee covenants and agrees to fully indemnify and save harmless the Commonwealth of Pennsylvania and local authorities of and from all liability for damages or injury occurring to any person or persons or property at or on said roads through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about, or upon the said work, by, at the instance, or with the approval or consent of the Permittee, or from the failure of the Permittee and/or its contractor to comply with the provisions set forth herein.

11. If at any time in the future the highway is widened, reconstructed or the alignment or grades are changed, the Permittee further agrees to change or relocate, all or any part of the structures covered by this permit which interferes with the improvement of the highway, at its own cost and expense, to the extent now or hereafter required by law.

12. During the time when the highway right-of-way covered by this permit is under process of construction and/or until said road or highway is accepted by the Commonwealth or local authorities, no Permittee and/or its contractor will be authorized to enter upon said highway right-of-way for the purpose of erecting poles, laying conduits, water, steam, oil or gas pipes or sewers, or doing any other work whatsoever which might interfere with the construction of the road or highway unless said Permittee and/or its contractor shall first file with the Commonwealth or local authorities a duly attested certificate, signed by the contractor or other authority constructing said road or highway, containing the full consent to such proposed work of said permittee and/or its contractor within the lines of the said highway right-of-way, together with a satisfactory waiver, release, and quit-claim to the Commonwealth of Pennsylvania and the local

from contracts and the power to order the impleader or interpleader of other parties, when necessary, for the complete determination of any claim or counterclaim in which the Commonwealth is a party.

14. Any work done under this permit shall be subject to the conditions, restrictions, and provisions of this permit which shall govern all excavations, openings and trenches for the purpose of making repairs to any poles, conduits, water, steam, oil, or gas pipes, or sewers, or other structures, or property and appurtenances thereto belonging, erected on or in the highway right-of-way.

15. This permit is issued subject to any additional rights which the municipality or other local authority in which the work is to be done may have in such matters and is not inconsistent with other provisions of the permit.

16. After a permit is granted by the Commonwealth it shall not be assigned nor transferred without written notice to the Commonwealth.

17. Notwithstanding the provisions in Paragraph 16 above, Permittee may authorize others to share and use the facility or facilities authorized to be installed by this permit provided, however, the Permittee at all times shall: 1) Require and be responsible that all attachments by others to its facility or facilities be in accordance with the provisions hereof; 2) be liable and responsible for the attachments by others to the same extent as Permittee's facility or facilities; and 3) Permittee enters into a written Agreement with others attaching to its facility or facilities permitting the said use by others and said written Agreement is retained at all times by Permittee for inspection by the Commonwealth.

18. To protect the highway surface or pavement on said projects, all equipment used by the Permittee and/or its contractor shall be approved by the Commonwealth. Such equipment shall have rubber runners or wheels. In the event that other than rubber equipped machinery is used the pavement shall be protected by the use of heavy rubber or similar matting which shall be a minimum of four (4) inches wider on each side than the tracks or wheels of the equipment used.

19. No surface or repair work will be conducted on a now or hereafter designated limited access highway without written authorization by the Commonwealth. Access to rights-of-way shall be subject to the issuance by the Commonwealth of a permit based on an acceptable application therefor explaining the proposed method of access. Such access may not be made from the through-traffic roadway or ramp area. Access shall be made from outside the extent of Limited Access or in a manner prescribed by the Commonwealth.

20. Any work performed by the Permittee will comply with Title VI, Civil Rights Act of 1964, as defined by the Federal Highway Administration's Circular Memorandum, dated February 7, 1966, where applicable.

21. If, in the construction work the Permittee will be required to use certain blasting operations in the excavation, the Permittee agrees to make, execute and deliver to the Commonwealth of Pennsylvania, Department of Transportation, a bond in the sum stipulated by the Department of Transportation with surety in the form of a surety company, duly registered and authorized to do business in Pennsylvania, conditioned that the permittee will save harmless the Commonwealth of Pennsylvania, Department of Transportation, from any damages whatsoever to its subgrade, subbase, modified subbase, drainage facilities, road metal, and any other installations or matters in, under or upon the highway right-of-way for a period of one (1) year from the date of the completion of the last work covered by this permit.

22. Maintenance and protection of traffic for work authorized by this occupancy permit must be carried out in accordance with the requirements of the Pennsylvania Department of Transportation. In this connection, the Permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit, in accordance with instructions furnished by the Commonwealth's District Engineer. A traffic control plan may be required as directed by the Commonwealth's District Engineer.

(a) Warning signs shall be placed beyond each end of the actual operation in such a manner as to be visible to the traveling public and meet the requirements of the Pennsylvania Department of Transportation. These signs shall display the name of the Permittee and/or its contractor on the back of the sign. Special employees shall be assigned by the Permittee and/or its contractor to direct traffic when it becomes necessary to limit it to one way. Advance permission must be obtained from the Commonwealth's District Engineer before directing traffic through one lane. Substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the highway right-of-way in a manner approved by the Commonwealth.

(b) Flagmen will be provided as specified and in accordance with the requirements of the Pennsylvania Department of Transportation.

SUBSURFACE OPERATIONS

23. Any opening or impairment of any nature whatsoever of any improved surface within the state right-of-way as authorized by Departmental permit of any kind shall be made in accordance with the following specified provisions:

(a) Plates or bridging will be required on all openings made within the improved surface which have a shortest dimension in length or width of six (6) feet or less whenever work cannot be completed prior to peak traffic hours within the same day, or in the manner specified on the permit, Form M-945P. The plate or bridging is to be extended a minimum of eighteen (18) inches on either side of the opening and tied into the existing cartway.

(b) A mark of identification shall be placed at the nearest edge of the cut closest to the edge of the improved surface for each opening or impairment made within the improved surface of a state highway. The paint must be of a durable wearing quality and shall be color coded as follows: blue (water), yellow (gas), red (electric), white (telephone), and green (sewer).

(c) The Permittee is responsible for all costs and expenses of making and maintaining temporary or permanent restorations of disturbed areas. When permanent restoration is made the Permittee shall be responsible for such areas for any subsequent failure of the highway surface during a period of two (2) years following completion of the permanent restoration work.

(d) Facilities crossing beneath State highways shall be so constructed as to assure the safety of the traveling public and to virtually preclude the necessity of entering upon the pavement or shoulders of the highway to effect future maintenance or replacement. Such installations shall be subjected to any testing required thereby prior to activating the

25. In case the road or highway is not paved the trench shall be placed so that its near edge is at least fifteen (15) feet from the general center lines of the traveled road or highway unless authorized as provided in Paragraph 24. The center line shall be determined by the Commonwealth or local authorities.

26. The trench for such construction shall not be opened for a distance of more than five hundred (500) feet at any one time, unless especially authorized by the Commonwealth's District Engineer. A permittee will be permitted to leave more than one hundred (100) feet of an opening at the end of a work line whenever utilizing the shoulder of a state highway for the utility.

27. In case it is necessary to cross under any improved road or highway, the opening for a pipe line shall be drilled, bored, or driven on a horizontal plane at a minimum depth of three (3) feet below the surface of the road or highway, side ditches, or the structure may be placed otherwise by tunneling when approved by the Commonwealth's District Engineer. Trenching will be authorized by the Commonwealth, in writing, where tunneling would be attended with danger to life. Where necessary to cross the improved road or highway by tunneling, the crossing shall be made, except in solid rock formation, under one-half of the improved road width, and the pipe or structure placed and the hole carefully backfilled with 1:3.6 concrete of dry consistency thoroughly tamped, and allowed to stand twenty-four (24) hours before traffic is permitted to use that half of the road. The second half of the tunneling is to be completed in the same manner, so at least one-way traffic will be maintained over one-half the improved road or highway while the second half is being tunneled. In solid rock formation the crossing may be made by trenching when approved by the Commonwealth's District Engineer, but not more than one-half of the width of the pavement shall be opened, the structure placed, the trench backfilled and tamped with an approved mechanical tamper, unless other methods are approved, before disturbing the remaining one-half of the road.

28. (a) When blasting is anticipated within one hundred (100) feet of any bridge, box, or culvert, a detail plan of excavating, shoring, and backfilling procedures must be submitted to the Commonwealth's District Engineer for review and approval. No blasting will be permitted within twenty-five (25) feet of the nearest part of a bridge, box or culvert. Controlled blasting will be permitted beyond twenty-five (25) feet to one hundred (100) feet of the nearest part of a bridge, box or culvert. Normal blasting procedures will be permitted beyond one hundred (100) feet of the nearest part of a bridge, box or culvert.

(b) No predrilling or blasting operations will be permitted within the paved portion of the highway unless authorized in writing by the Commonwealth's District Engineer.

29. Where a tile drain or other structure or facility is encountered, it shall be replaced or restored by the Permittee and/or its contractor in accordance with the prevailing standards of the Commonwealth.

30. The Permittee and/or its contractor shall place the top of manholes so that it shall be even with the elevation of the highway and slope of its shoulders, unless a lower elevation shall be approved.

31. All excess excavated material shall be removed and disposed of outside the legal limits of the highway as the work progresses, unless the approval of the Commonwealth is obtained for disposal of the material within the legal limits of the highway. All parts of the highway and various structures disturbed shall be restored to a condition equal to that which existed before starting the work. Guard rails shall be replaced to the present alignment, and any guard posts discolored through the work of the Permittee and/or its contractor shall be refinished by washing or repainting.

32. The Permittee shall keep the highways free of all material, which may be deposited by vehicles traveling upon or entering onto any highway during the performance of any work authorized by this permit.

33. All openings required to be made in the cartway or road metal of a state highway for the installation, renewal or repair of a utility including utilities under the control or owned by a municipality shall be made pursuant to permit, or written authorization issued to the municipality, by the Pennsylvania Department of Transportation in accordance with the following requirements on backfilling and pavement replacement.

I. Flexible Base Pavement —

- a. Surface placed five (5) years or less prior to permit application.

Suitable material from the excavated trench must be retained to provide insulation around and over the utility to a height not to exceed twelve (12) inches over the top of the pipe, conduit, etc. This material shall be compacted in four (4) inch layers. This material shall be placed or stored on the side of the operation farthest from the road metal or pavement, unless otherwise authorized by the Commonwealth, and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch, or waterway. The remaining excavated material must be removed from the site unless said material meets specifications for No. 2 RC minimum. The trench must then be backfilled with No. 2 RC aggregate or suitable material meeting specifications for No. 2 RC minimum compacted in layers not to exceed four (4) inches when using a mechanical tamper, except eight (8) inch layers will be permitted when approved vibratory compaction equipment is used. Compaction is to be completed to the bottom elevation of the pavement structure.

The No. 2 RC aggregate or suitable material meeting specifications for No. 2 RC minimum must meet the requirements of Section 703.3(D), Form 408. Commonwealth may require Permittee to have material encountered in excavation tested for conformance to Section 703.3, Form 408.

→ Prior to the replacement of the Base Course the existing Base and Surface must be sawed or drilled (holes six (6) inch center if drilled) one (1) ft. on each side of the trench removed. The Base Course shall be replaced with a minimum of eight (8) inch High Early Strength Concrete to the elevation of the existing Crushed Area Base Course. The High Early Strength Concrete after placement must be cured in accordance with Section 704.1(g), Form 408. Following the concrete curing a tack coat of bituminous material type E-1 will be required. The tack coat shall meet the requirements of Section 460, Form 408. After the tack coat has cured, the bituminous binder and/or wearing course shall be placed and should conform to the existing type of road binder and wearing courses.

If the trench excavation exceeds four (4) ft. in width, # 6 reinforcing bars placed at six (6) inch center to center with a two (2) inch clear on each end and a three (3) inch clear on the bottom must be installed in the concrete base course.

- b. Surface placed in excess of five (5) years prior to application for permit.

Temporary restoration shall consist of a minimum eight (8) inch stone base with a two (2) inch bituminous material and shall be kept in place for a minimum of ninety (90) days.

The base course replacement shall consist of either a Crushed Aggregate Base Course (minimum of eight (8) inch of No. 4 aggregate and with No. 1 aggregate screenings meeting the requirements of Section 310, Form 408) or a Bituminous Concrete Base Course meeting the requirements of Section 310, Form 408. Minimum depth of Base Course Concrete Base Course shall be four (4) inches. The binder and surface course shall be replaced with a minimum of four (4) inches of existing bituminous surface but in no case shall the binder course be less than one-half (1/2) inch of 10-2 and the surface course be less than one-half (1/2) inch of 10-2. An additional one (1) ft. on each side of the trench must be sawed or cut in a neat straight line prior to placing the bituminous surface material and Base Course as specified above.

2. Reinforced Cement Concrete Pavement —

If the existing pavement is a Reinforced Cement Concrete Pavement the method of trench backfilling shall be in accordance with the requirements as set forth in the preceding section for Flexible Base Pavement, Section 1.a. The pavement shall be sawed or drilled in a neat straight line one (1) ft. on each side of the trench prior to the replacement of the base.

The replacement base must consist of High Early Strength Concrete equal in depth of the original concrete pavement. The surface must be cured in accordance with Section 501.3(n) of the Form 408. After surface corrections have been completed and just before the concrete becomes non-plastic, the surface shall be given a textured finish in accordance with Section 501.3(m)4, Form 408.

3. Reinforced Cement Concrete Pavement — Bituminous Surface

If the pavement structure is a Reinforced Cement Concrete Pavement with a Bituminous Surface the method of trench backfilling and base and surface replacement shall be in accordance with the requirements as set forth for Flexible Base Pavement under Section 1.a.

4. Pavements with Subbase —

If the work is to be performed on State highways with subbase as part of the pavement structure the trench shall be backfilled with twelve (12) inch of suitable material over the top of the utility and with No. 2 RC aggregate or suitable material meeting specifications for No. 2 RC minimum to within eight (8) inches of the subbase. An impervious material shall be then placed to the bottom of the existing subbase in four (4) inch compacted layers. The subbase shall be replaced to a height equal to the existing subbase. The subbase shall meet the requirements of Form 408. The base course and surface course shall then be placed in accordance to the previously specified instructions.

5. Utilities Utilizing the Shoulder of State Highways —

(Shoulder as defined in Form 408)

Backfilling and final restoration of the shoulder of State highways shall be made as follows:

Local material excavated from the trench may be used for backfill, if the material complies with Pennsylvania Department of Transportation Specifications, Section 206.2, Form 408, and is compacted in accordance with the requirements as set forth under Section 1.a., within eighteen (18) inches of final grade. The final eighteen (18) inches of backfill must also be compacted and made with No. 2 RC aggregate or suitable material meeting specifications for No. 2 RC minimum. If the length of the utility exceeds fifty (50) ft. the shoulder must be graded, rolled and penetrated with RT-2C or RT-2W bituminous material at a rate of .25 or .30 gallon per square yard. If the disturbed or damaged shoulder is of higher type than as specified above the work shall be reconstructed and restored in as firm, strong, and durable condition of the same type as before the commencement of work by Permittee and/or its contractor, in accordance with the standards of the Commonwealth.

SURFACE AND OVERHEAD OPERATIONS,

34. On highways other than Limited Access Highways, utility poles, guys and other ground mounted utility appurtenances shall be placed at least thirty (30) feet from the edge of the traveled roadway and not less than twenty (20) feet from the outside edge of the ramp shoulder. When sufficient right-of-way is not available the above ground structures shall not be installed unless adjacent natural obstructions or highway appurtenances are already located in such a manner so as not to create an additional hazard to traffic. Underground occupancy shall however, be permitted within the restricted area. Refer to design Manual Part 5, Section 9.08 for exceptions to these provisions.

35. All wires, except power transmission and supply lines, appurtenances, or supports attached to poles which cross the highway shall be placed or erected so as to provide a minimum vertical clearance of eighteen (18) feet within right-of-way limits of highway. Where power transmission and supply lines cross over a highway in urban and rural areas, vertical clearance and other requirements of the National Electrical Safety Code must be complied with. All guys shall be placed so as to avoid interference with traffic of all kinds on the highways, and must present a neat appearance when installed; if for electric light or power lines they must be adequately insulated at a point not less than ten (10) feet vertical above the ground; if for telephone lines when in proximity to electric light or power lines they must be adequately insulated at a point not less than eight (8) feet vertical above the ground.

Exception. When guys are permanently grounded in conformity with accepted grounding practice, insulators may be omitted; provided, however, that Permittee states in the application for permit the method whereby such guys, when installed, will be properly grounded, and will, thereafter, be maintained, through periodic inspection of all ground connections. This exception applies primarily to guys exposed to circuits carrying more than fourteen (14,000) thousand volts and to guys permanently grounded in